

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

VICTORIA IORIO,

Plaintiff,

1:20-CV-342
(GLS/DJS)

v.

SUNY COBLESKILL, McMAHON'S OF SARATOGA
THOROUGHBREDS, JOHN McMAHON, and
FERNANDO NOLAZCO,

Defendants.

DANIEL J. STEWART
United States Magistrate Judge

ORDER TO SHOW CAUSE

On July 22, 2021, Plaintiff's counsel advised this Court that attempts to schedule mediation in this case had been stymied by the failure of attorney Stephen Buckley to advise whether his clients were willing to participate in mediation. Dkt. No. 39. In response to this notice, the Court scheduled an in-person conference to be held on the matter on August 3, 2021. Dkt. No. 40. The matter was scheduled to be held in-person, in part, due to Mr. Buckley's prior failure to timely appear for previous telephone conferences. On August 2, 2021, Mr. Buckley filed a letter with the Court advising that he was transferring this matter to new counsel and requesting an adjournment of the August 3rd conference so that a consent to change attorneys could be executed and filed.

Dkt. No. 43. The Court granted the request to adjourn the conference and directed Mr. Buckley “to file an executed Consent to Change Attorney on the case docket or advise as to the status of the transfer to new counsel by August 16, 2021.” Dkt. No. 44. No consent to change attorneys was filed by August 16, 2021 and Mr. Buckley did not provide the directed status report. The Court then issued a second Order directing Mr. Buckley to provide a status report on the representation of his clients on or before October 15, 2021. Dkt. No. 45. As of the issuance of this Order, no status report has been filed by Mr. Buckley as directed by the Court.

Mr. Buckley represents three of the four named Defendants in this action. As a practical matter, this action has been effectively stayed based on Mr. Buckley’s failure to advise the parties of his clients’ availability to participate in mediation and comply with the Court’s orders. Mr. Buckley has now failed to comply with two Court orders directing him to advise this Court as to whether he will be continuing to represent his clients or if they will retain new counsel.

It has long been recognized that courts have inherent authority “to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962). Consistent with that authority, “United States Courts are vested with broad discretion to impose sanctions for non-compliance with court orders.” *Tylicki v. Ryan*, 244 F.R.D. 146, 147 (N.D.N.Y. 2006). Prior to imposing such sanctions, the Court must provide notice and an opportunity to be heard.

In re Smith, 645 F.3d 186, 191 (2d Cir. 2011); *In re Bear Stearns Companies, Inc. Sec. Derivative, & Erisa Litig.*, 308 F.R.D. 113, 123 (S.D.N.Y. 2015).

ACCORDINGLY, it is

ORDERED, that Stephen T. Buckley show cause why he should not be sanctioned for his failure to comply with this Court's prior Orders; and it is further

ORDERED, that Stephen T. Buckley appear to respond to this Order to Show Cause on **Tuesday, November 9, 2021 at 10:00 a.m. in Courtroom Number 2 of the James T. Foley United States Courthouse in Albany, New York**; and it is further

ORDERED, that in addition to his personal appearance as directed above, Stephen T. Buckley may provide any written submissions he deems appropriate as to why sanctions should not be imposed. Any such submissions shall be filed with the Court no later than 3:00 p.m. Friday, November 5, 2021; and it is further

ORDERED, that all counsel in this matter shall appear in person for a status conference on this matter to be held immediately following proceedings related to this Order to Show Cause.

IT IS SO ORDERED.

Dated: October 22, 2021
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge